



Atty. Dkt. No. 016906-0510

ITW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel HENDRIX et al.

Title: HEAT EXCHANGER, ESPECIALLY CHARGE-AIR/COOLANT COOLER

Appl. No.: 10/579,037

International 11/10/2004

Filing Date:

371(c) Date: 05/10/2006

Examiner: Teresa J. Walberg

Art Unit: 3744

Confirmation 3893

Number:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

12/29/2009 SZEWDIE1 00000053 10579037

WASH_6668496.1

-1-

01 FC:1886

180.00 0P

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of any of a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

Listed on the attached Form PTO/SB/08 are Office Actions issued in Japanese and European counterpart of a U.S. co-pending case (App. Serial No. 10/579,039). A copy of the Japanese Office Action and European Search Report are being submitted herewith. The relevance of the references listed on the attached Form PTO/SB/08 can be found in the respective Actions that are enclosed herewith. Applicants do not necessarily acquiesce with the comments made in these Actions.

Applicants note that any documents cited in the co-pending case that are already of record in this application are not listed on the attached Form PTO/SB/08.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

FEE

A credit card payment form in the amount of \$180.00 is enclosed to cover the fee associated with an information disclosure statement under 37 CFR §1.97(c).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 28, 2009

By  Pavan K. Agarwal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

for Pavan K. Agarwal
Attorney for Applicant
Registration No. 40,888